



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,983	09/22/2000	Robert Zayatz	04645.0664	1088

7590

11/18/2002

R Kent Roberts
Hodgson Russ Andrews Woods & Goodyear LLP
Suite 2000
One M&T Plaza
Buffalo, NY 14203-2391

EXAMINER

DINH, TUAN T

ART UNIT

PAPER NUMBER

2827

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,983

Applicant(s)

ZAYATZ, ROBERT

Examiner

Tuan T Dinh

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-12, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanida (U. S. Patent 5,876,868) in view of Iwaizono et al. (U. S. Patent 6,322,921).

As best understood to claims 1, 9, and 17, Alexandres discloses a power device and a method as shown in figures 1-7 comprising:

a protective housing (8-figure 1, column 2, lines 35-39) having a base (5-figure 1, column 2, line 25) with a contact hole (see figure 1) therethrough and having a projecting perimeter wall (8b, column 3, line 2) extending from the base (5);

a sleeve (3-figures 1-3, column 3, line 20) joined to the perimeter wall (8b-figure 3); and

a terminal cap (4, column 2, lines 22-23) capture between said sleeve (3) and said protective housing.

Tanida does not show an electrical component permitted to reside between the base and the terminal cap.

Iwaizono teaches a protection device having an electrical component (27, column 9, line 54) disclosed in figures 7-10 permitted to reside between a base (38) and a terminal cap (39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify of Tanida and provide an electrical component between a base and terminal cap as taught by Iwaizono in order to make an electrical contact and operate the protecting device.

Regarding claims 2, and 10-12, Tanida discloses the protection device as shown in figure 1 wherein the base (5) having an orifice (see figure 1-an opening) therethrough.

Regarding claims 5-7, 15-16, and 19-20, Tanida the protection device and the method as shown in figures 1-3 further comprising a sheet (6) made by adhesive (see cross hatching of figures 2-3) between the base (5) and a battery (2-figure 1).

Regarding claim 8, Tanida discloses the protection device as shown in figures 1-3 wherein the sleeve (3) is held relative to the perimeter wall by an interference fit.

Regarding claim 18, Iwaizono discloses the method as shown in figures 1-3 further comprising:

Providing an insulating material (40, column 10, line 2) disclosed in figures 7-9 on the electrical component (27).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an insulating material on the component as taught by

Iwaizono to employ the protection device of Tanida in order to reduce heat dissipation from the component.

Regarding claims 3-4 and 13-14, Tanida discloses the device and method as shown in figures 1-3 further including a mean, which is a panel nut (7) for fastening joined to the base and joined to an electrical terminal pin (lead, see column 2, line 30) extending through the contact hole (see figure 1).

Response to Arguments

Applicant's arguments filed 8/28/02 have been fully considered but they are not persuasive.

Applicant argues:

(a) Tanida does not suggest, "the cap member (a sleeve) should be a tubular part."

(b) Tanida shows a thin-ring-like PTC element, which is not a terminal cap.

(d) Tanida does not show "a terminal pin extending into a contact hole of a protective housing."

Examiner disagrees.

Response to argument (a), applicant fails to claim the contested provision of a limitation "a sleeve should be a tabular part in claims 1, 9, or 17"

Response to argument (b), applicant shows a terminal cap (43), which is round plate part in figure 2 captured between a sleeve and a housing of a battery. The terminal cap does not show any terminal or pin having function to teach an electrical

contact between the sleeve and the housing. However, Tanida discloses a ring element (4) having a structure captured between the sleeve (3) and the housing (8).

Response to argument (d), Tanida discloses a battery (1) having a lead (column 2, line 31) extending through a stripper member (7) capable of being a panel nut having a contact hole (see figure 1).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
November 14, 2002


ALBERT W. PALADINI
PRIMARY EXAMINER